

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF VIRGINIA
Lynchburg Division**

WALTER SCOTT LAMB,)	
Plaintiff/Counterclaim Defendant,)	Case No. 6:21-cv-00055
v.)	Hon. Norman K. Moon
)	
LIBERTY UNIVERSITY, INC.,)	
a Virginia corporation,)	
Defendant/Counterclaim Plaintiff.)	

LAMB'S MEORANDUM IN SUPPORT OF HIS MOTION FOR DISCOVERY
SANCTIONS PURSUANT TO RULE 37

Comes now your plaintiff/counterclaim-defendant, Walter Scott Lamb, and moves this Court to enter appropriate sanctions against Liberty pursuant to Federal Rule Civil Procedure 37(b)(2), for failure to comply with the Court's discovery order (ECF Doc. 133), including but not limited to:

- (1) Order the production of the 17 documents withheld from production in response to Request No. 14, with a civil judgment of \$1,000 per day from the date of the filing of this motion until the records have been produced to Lamb by filing electronically in the Court record.
- (2) Order the immediate production of text messages and audio recordings in Liberty's or its employees' possession responsive to Requests for Production 6, 10, 11, or 19, without the benefit of invoking privilege.
- (3) Allow additional discovery of up to ten interrogatories and a prompt corporate deposition into the question of spoliation of text messages Requests for Production 6, 10, 11, or 19, for appropriate additional sanctions, along with the attorney's fees arising from this additional discovery.

- (4) Deem the records identified in response to Interrogatory 24, or any amendments thereto, as non-confidential and non-privileged, for purposes of this case.
- (5) Provide an amended response to Interrogatory 24 with the catalogue of information in at least font size 10, and inclusive of the physical records Lamb returned to Liberty.
- (6) Allow additional discovery of up to ten interrogatories and a prompt corporate deposition into the question of spoliation into the question of spoliation, for appropriate sanctions concerning the physical records Lamb returned pursuant to the protocols, along with the attorney fees arising from this additional discovery.
- (7) Prohibit Liberty University from supporting its claims for conversion, detainee, misappropriation of trade secrets, breach of contract, breach of fiduciary duties, Virginia computer crimes, or statutory conspiracy by reference to text messages Lamb sent or received.
- (8) Dismiss Liberty's pending motion for sanctions (ECF Doc. 84).
- (9) Award attorney fees for the costs of this motion.

And all other further relief as may be appropriate.

Respectfully submitted,
WALTER SCOTT LAMB

THOMAS H. ROBERTS & ASSOCIATES, P.C.

By: /s/ Andrew T. Bodoh, Esq.

Thomas H. Roberts, Esq. (VSB 26014)

tom.roberts@robertslaw.org

Andrew T. Bodoh, Esq. (VSB 80143)

andrew.bodoh@robertslaw.org

105 South 1st Street

Richmond, Virginia 23219

Tel: 804-783-2000

Fax: 804-783-2105

Ian A. Northon, Esq.
Admitted Only Pro Hac Vice
Michigan—P65082
Pennsylvania—207733
Florida—101544
Northon Law, PLLC
4850 Tamiami Trail N, Ste 301
Naples, FL 34103
ian@northonlaw.com
service@northonlaw.com
(239) 784-7940

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of November, 2022, I presented the foregoing document(s) to the Clerk of the Court for filing and uploading to the CM/ECF system, which will provide electronic notice and copies of such filing(s) to counsel of record.

THOMAS H. ROBERTS & ASSOCIATES, P.C.

By: /s/ Andrew T. Bodoh, Esq. _____

Thomas H. Roberts, Esq. (VSB 26014)

tom.roberts@robertslaw.org

Andrew T. Bodoh, Esq. (VSB 80143)

andrew.bodoh@robertslaw.org

105 South 1st Street

Richmond, Virginia 23219

Tel: 804-783-2000 / Fax: 804-783-2105

ATTORNEYS FOR PLAINTIFF